

REMARKS

Applicants provide the present Amendment to assure entry of the claim amendments made in the Amendment After Decision on Appeal filed May 20, 2004, which amended the dependency of Claim 35, and to address the issued raised in the Official Action mailed September 10, 2004. Applicants appreciate the indication of allowable subject matter as recited in paragraph 16 of the Official Action and Applicants have amended Claims 9, 23 and 37 as suggested by the Examiner to incorporate the allowable subject matter and have cancelled Claims 43-45. Applicants have also amended Claims 10, 24 and 38 in light of the amendments to Claims 9, 23, and 37. Accordingly, Applicants submit that each of the claims is now in condition for allowance.

The IDS dated April 20, 1999 and the Supplemental IDS

Applicants also wish to bring to the Examiner's attention an IDS that was filed April 20, 1999. A duplicate submittal of this IDS was filed May 20, 2004, including the original IDS cover sheet, form PTO-1449 and copies of the cited references. Applicants are also submitting a supplemental IDS concurrently with the present Amendment. Applicants request that Examiner confirm consideration of the references cited in these IDSs by returning initialed copies of the PTO-1449 forms with any subsequent action.

The Section 112 Rejection

In the Amendment After Decision on Appeal filed May 20, 2004, Applicants amended Claim 35 to depend from Claim 37. Applicants have repeated that amendment to Claim 35 in the present Amendment. Accordingly, Applicants submit that the rejection under 35 U.S.C. §112 has been overcome. Applicants appreciate the Examiner having considered Claim 35 as depending from Claim 37 in the Official Action.

The Anticipation Rejection

Claims 2, 7-13, 16, 21-27, 30 and 35-45 stand rejected under 35 U.S.C. § 102(e) as anticipated by United States Patent No. 6,216,157 to Vishwanath et al. (hereinafter

In re: Cox et al.
Serial No.: 09/211,527
Filed: December 14, 1998
Page 9 of 9

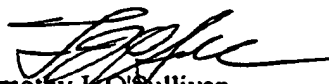
"Vishwanath"). Official Action, p. 4. Applicants have amended the independent claims to incorporate the recitations of Claim 43, written in Markush Group format, as suggested by the Examiner. Official Action, p. 5. Accordingly, Applicants submit that the rejection based on Vishwanath is obviated.

CONCLUSION

Applicants submit that all pending claims in the present application are in condition for allowance, and a Notice of Allowance is respectfully requested in due course. The Examiner is encouraged to contact the undersigned attorney by telephone should any additional issues need to be addressed.

It is not believed that an extension of time and/or additional fee(s)-including fees for net addition of claims-are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned for under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper are hereby authorized to be charged to our Deposit Account No.09-0461.

Respectfully submitted,


Timothy J. O'Sullivan
Registration No. 35,632

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792